

Doubts Cast on Success of Panther Case Inquiry

Chicago Hearings Could Create More Controversy Than They Could Resolve

BY FRANCIS WARD

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CHICAGO — Like the Conspiracy Seven trial across town, the coroner's inquest into the Dec. 4 shooting of two Black Panthers got off to such a shaky start last week that interest may be focused more on its internal difficulties than on whatever facts are revealed.

If the rest of the inquest—which could last until the weekend—is consistent with its first three days, it could well create more controversy than it resolves and never achieve the intended purpose—to determine whether Fred A. Hampton, 21, and Mark Clark, 22, were murdered, as the Panthers and their supporters charge, or were killed in a gun battle, as the police say.

Weapons Search

The police version is that 14 officers went to the West Side apartment to seize illegal weapons and were fired on from inside the apartment, although, police say, they announced themselves and were carrying a search warrant.

That the Panther inquest, and subsequent trial of seven survivors charged with attempted murder, should be going on at the same time and in the same city as the conspiracy trial is stark testimony that Chicago, for now, at least, is the nation's No. 1 battleground between young militant activists and police.

Although a special deputy coroner, attorney Martin A. Gerber, was appointed to run the inquest and a "blue ribbon" jury of three blacks and three whites was picked to

Groth, a policeman since October, 1957, has been attached to the special prosecutions unit of the state attorney's office since last June. This unit has concentrated heavily on gathering evidence against youth gangs and radical or revolutionary groups, such as the Pan-

ther Party. Groth is to hear testimony and render a finding, the effectiveness of the hearing was in doubt from the outset.

Before the first gavel was struck, attorneys for the defense revealed their clients would refuse to testify, on advice of counsel who felt none of the traditional safeguards of a criminal proceeding were guaranteed and that their rights during the trial, under the First and 14th Amendments, would be jeopardized.

Attorneys for the seven Panthers stood firm, despite impassioned pleas from Gerber, who indignantly disagreed with their reasoning and criticized both the Panthers and their lawyers for not cooperating. Gerber argued that the jury's verdict could only be one-sided, being based on testimony only from the police.

Police to Testify

The 14 policemen have agreed to testify, along with technicians from the Police Crime Laboratory.

Gerber's handling of the inquest—particularly his method of asking leading questions of witnesses,

frequent bursts of temperament, refusal or inability to establish clear rules of inquiry, and clashes with members of the jury and attorneys for both sides—has already given the proceedings an air of futility.

For example, Gerber, a former prosecutor, frequently admonished defense lawyers for making speeches, then launched into long, bombastic speeches himself—on why speeches shouldn't be made. His referring to the deceased "Michael Clark" when addressing Mark Clark's brother, James, and references to Hampton and Clark as "these dead boys," have been seized upon by blacks, both militant and moderates, as proof of the inquest's hopelessness.

Most observers agree, however, that Gerber has tried to be fair to both sides while handling an extremely difficult job.

The one witness who so far has given extensive testimony, Sgt. Daniel Groth, leader of the police raid, has made disclosures which undoubtedly will spark more heated debate among Panther-police partisans, especially if he gives the same testimony at the criminal trial of the seven survivors of the raid.

thers and Students for a Democratic Society.

When asked by Gerber during his testimony Wednesday why tear gas wasn't taken along and used in the raid to minimize risk to both police and occupants of the apartment, Groth said: "I didn't see any need for it. I was going to execute a search warrant, sir."

Groth later admitted, "There was none (tear gas) available in the building." Groth also said he thought it was necessary to carry along extra men—14—and weaponry—two submachine guns and half a dozen shotguns—"because the Panthers were known to shoot at police officers."

Thursday, under questioning from defense counsel Francis E. Andrew, Groth contended the police squad he heads within the special prosecutions unit was set up only to probe street gangs "and to answer all calls for help from the colored community."

The net effect of testimony from Groth and other policemen will be to harden the view of those who believe the police version of the raid. But it will create even greater doubt in the minds of the Panthers and their supporters.